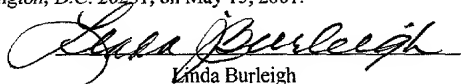


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Linda Burleigh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

BANAS et al.

Serial No.: 08/999,583

Filing Date: December 22, 1997

For: HELICALLY SUPPORTED GRAFT

Examiner: Paul Prebelic

Group Art Unit: 3738

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This preliminary amendment is filed concurrently with a divisional application from the parent application listed above. Applicants respectfully request that the claim amendments be entered prior to calculation of fees.

In the Title

Please change the title to read as follows:

--EXTERNALLY SUPPORTED GRAFT--

In the Specification

Please replace the paragraph beginning at page 1, line 1, with the following rewritten paragraph:

--This application is a divisional of application Serial No. 08/999,583, filed December 22, 1997, with is a continuation-in-part of: International Application Ser. No. PCT/US95/16497, filed December 8, 1995 and nationalized under U.S. Application Ser. No. 09/077,533, now U.S. Pat. No. 6,053,943; U.S. Application Ser. No. 08/833,797, filed April 9, 1997, which is a continuation-in-part of U.S. Application Ser. No. 08/508,033, filed July 27, 1995, now Pat. No. 5,749,880, which is a continuation-in-part of U.S. Application Ser. No. 08/401,871, filed March 10, 1995, now Pat. No. 6,124,523; and U.S. Application Ser. No. 08/794,871, filed February 5, 1997, now Pat. No. 6,039,755. This application and each of the foregoing applications are commonly assigned and their disclosures are incorporated by reference.--

Please replace the paragraph beginning at page 2, line 10, with the following rewritten paragraph:

--The present invention makes advantageous use of the known biocompatible and material properties of ePTFE vascular grafts, and adds an abluminal supporting structure capable of being diametrically reduced to an intraluminal delivery profile and self-expanding *in vivo* to conform to the anatomical topography at the site of intraluminal implantation. More particularly, the present invention consists of an ePTFE substrate material, such as that described in U.S. Application Ser. No. 08/794,871, filed February 5, 1997, now Pat. No. 6,039,755, as a carrier for a helically wound, open cylindrical support structure made of a shape memory alloy.--

In the Claims:

Please cancel claims 1-32.

Please add new claims 33-40 as follows:

33. An endoluminal prosthesis, comprising:

a seamless tubular substrate having an abluminal surface; and

an elastically deformable and elastically recoverable wire member concentrically surrounded by a polymeric cladding, wherein the clad wire member is circumferentially disposed about the tubular substrate, the cladding being in intimate contact with and joined to the abluminal surface thereof.

34. The endoluminal prosthesis according to Claim 33, wherein the polymeric cladding is selected from the group consisting of polytetrafluoroethylene, polyurethane, polyethylene, polypropylene, polyamide, polyimide, polyesters, polypropylene, polyethylene, polyfluoroethylenes, silicone, fluorinated polyolefins, fluorinated ethylene/propylene copolymer, perfluoroalkoxy fluorocarbon, ethylene/tetrafluoroethylene copolymer, and polyvinylpyrrolidone.

35. The endoluminal prosthesis according to Claim 33, wherein the wire member comprises a material selected from the group consisting of shape memory alloys, biocompatible spring steels, biocompatible spring metal alloys, and carbon fibers.

36. The endoluminal prosthesis according to Claim 35, wherein the shape memory alloys further comprise nickel-titanium alloys.

37. The endoluminal prosthesis according to Claim 35, wherein the wire member further comprises a shape memory alloy with a pre-programmed austenite dimensional state, which has substantially the same diametric dimension as the tubular substrate.

38. The endoluminal prosthesis according to Claim 33, wherein the substrate comprises a biocompatible material selected from the group consisting of expanded polytetrafluoroethylene, polyethylene, polyethylene terephthalate, polyurethane, and collagen.

39. The endoluminal prosthesis according to Claim 33, wherein the wire member comprises a plurality of circumferential rings.

40. The endoluminal prosthesis according to Claim 33, further comprising a second seamless tubular substrate, circumferentially disposed about the cladding and the abluminal surface of the seamless tubular substrate.

REMARKS

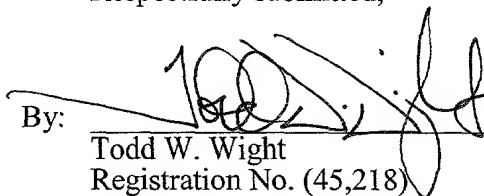
The title has been amended to conform with the claimed invention. The specification has been amended to more clearly identify the related applications. Claims 33-40 remain in this application. Claims 1-32 are canceled without prejudice. Claims 33-40 have been added. Claims 33-38 correlate to non-elected claims 33-34, 39-41 and 44, which were subject to a restriction requirement in Paper No. 29 of the parent application. Support for claims 39-40 can be found in the specification on page 11, lines 3-17. No new matter has been added.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 297912001911. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: May 15, 2001

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Paragraph beginning at line 1 of page 1 has been amended as follows:

This application is a divisional of application Serial No. 08/999,583, filed December 22, 1997, which is a continuation-in-part of: International Application Ser. No. PCT/US95/16497 [co-pending patent application Serial Number PCT/US/95/16497, published as International Publication No. WO 97/21401], filed December 8, 1995[,] and nationalized under U.S. Application Ser. No. 09/077,533, now U.S. Pat. No. 6,053,943; [co-pending patent application Serial Number] U.S. Application Ser. No. 08/833,797, filed April 9, 1997, which is a continuation-in-part of [co-pending patent application Serial Number] U.S. Application Ser. No. 08/508,033, filed July 27, 1995, now Pat. No. 5,749,880, which is a continuation-in-part of [co-pending patent application Serial Number] U.S. Application Ser. No. 08/401,871, filed March 10, 1995, now Pat. No. 6,124,523; and [co-pending patent application Serial Number] U.S. Application Ser. No. 08/794,871, filed February 5, 1997, now Pat. No. 6,039,755. This application and each of the foregoing [co-pending patent] applications are commonly assigned and their disclosures are incorporated by reference.

Paragraph beginning at line 10 of page 2 has been amended as follows:

The present invention makes advantageous use of the known biocompatible and material properties of ePTFE vascular grafts, and adds an abluminal supporting structure capable of being diametrically reduced to an intraluminal delivery profile and self-expanding *in vivo* to conform to the anatomical topography at the site of intraluminal implantation. More particularly, the present invention consists of an ePTFE substrate material, such as that described in [co-pending U.S. Patent application Serial] U.S. Application Ser. No. 08/794,871, filed February 5, 1997, now Pat. No. 6,039,755, as a carrier for a helically wound, open cylindrical support structure made of a shape memory alloy.

In the Claims:

Claims 1-32 have been canceled.